

South Australia

Development (Development Assessment Processes) Variation Regulations 2003

under the *Development Act 1993*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Development Regulations 1993*

- 4 Insertion of regulation 18A
 - 18A Notification of application to build along a common boundary
 - 5 Variation of regulation 24—Referrals
 - 6 Variation of regulation 28—Special provision relating to fire authorities
 - 7 Insertion of 78AA
 - 78AA On-site retention of stormwater
 - 8 Variation of regulation 86—Qualifications in planning
 - 9 Variation of regulation 88—Certificate of independent technical expert in certain cases
 - 10 Variation of Schedule 3
 - 11 Variation of Schedule 4
 - 12 Variation of Schedule 7
 - 13 Variation of Schedule 8
 - 14 Variation of Schedule 9
 - 15 Variation of Schedule 10
 - 16 Variation of Schedule 18
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Development (Development Assessment Processes) Variation Regulations 2003*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Development Regulations 1993*

4—Insertion of regulation 18A

After regulation 18 insert:

18A—Notification of application to build along a common boundary

- (1) If—
 - (a) an application proposes development in the form of building work along a boundary, other than building work constituted by the construction of a fence; and
 - (b) the development is a Category 1 development,then—
 - (c) the relevant authority must—
 - (i) give the owner of land on the other side of the boundary notice of the application; and
 - (ii) give consideration to any representations in writing made by that owner within 10 business days after the notification is given; and
 - (d) if a representation is received under paragraph (c), the relevant authority may, in its absolute discretion, allow the owner to appear personally or by representative before it to be heard in support of the representation.
- (2) For the purposes of subregulation (1), building work is along a boundary if there is no set-back from that boundary.

5—Variation of regulation 24—Referrals

Regulation 24(2)—delete "qualification" and substitute:

qualifications that a referral under that subregulation will only relate to whether a provisional development plan consent should be granted and

6—Variation of regulation 28—Special provision relating to fire authorities

Regulation 28(1)(d)—delete paragraph (d)

7—Insertion of 78AA

After regulation 78 insert:

78AA—On-site retention of stormwater

- (1) This regulation applies to—
 - (a) Class 1 and 2 buildings under the *Building Code*; and
 - (b) Class 10a structures associated with Class 1 and 2 buildings under the *Building Code*.

- (2) If a relevant authority, on granting a development authorisation in relation to a building to which this regulation applies, directs that one or more on-site stormwater retention devices be incorporated as part of a stormwater drainage system, then any relevant requirements of Minister's Specification SA 78AA must be complied with (unless the relevant authority accepts an alternative solution).

8—Variation of regulation 86—Qualifications in planning

Regulation 86(5)(a)—delete "the Royal Australian Planning Institute Incorporated" and substitute:

the Urban and Regional Planning Chapter of the Planning Institute of Australia Incorporated

9—Variation of regulation 88—Certificate of independent technical expert in certain cases

Regulation 88(1)(c)—delete "SA"

10—Variation of Schedule 3

- (1) Schedule 3, clause 4(1)(a)—delete "or in a Residential Zone in the area of the City of Charles Sturt in the former area of the City of Henley and Grange or in a Residential 1 Zone, Residential 2A Zone, Residential 3B Zone or Residential 3C Zone in the area of the City of Charles Sturt in the former area of the City of Hindmarsh and Woodville" and substitute:

in the Golden Grove Residential Zone or in the Golden Grove Residential D Zone, or in Policy Area 4 or Policy Area 5 in the Residential Zone in the City of Charles Sturt
- (2) Schedule 3, clause 4(1)(e)(i)—delete subparagraphs (C) and (D) and substitute:
 - (C) the Golden Grove Residential Zone or in the Golden Grove Residential D Zone; or
 - (D) Policy Area 4 or Policy Area 5 in the Residential Zone in the City of Charles Sturt; or
- (3) Schedule 3, clause 4(1)(e)—after subparagraph (i) insert:
 - (ia) a fence in the Residential Historic (Conservation) Zone in the City of Charles Sturt that is situated on the boundary of the relevant allotment with a road (other than a laneway); or
- (4) Schedule 3—after clause 13 insert:

14—Gas Infrastructure

- (1) Subject to subclause (2), the construction, alteration, extension, repair or maintenance (including any incidental excavation or filling) of gas infrastructure.
- (2) subclause (1) does not apply where the gas infrastructure is within—
 - (a) a local heritage place; or
 - (b) coastal land.

- (3) In this clause—

coastal land has the same meaning as in Schedule 8;

gas infrastructure has the same meaning as in the *Gas Act 1997*, but does not include a transmission pipeline within the meaning of the *Petroleum Act 2000*.

11—Variation of Schedule 4

- (1) Schedule 4, clause 1(1)—after "local heritage place," insert:

a Residential Historic (Conservation) Zone,

- (2) Schedule 4, clause 1(1)(d)(i)(C) and (D)—delete subparagraphs (C) and (D) and substitute:

(C) the Golden Grove Residential Zone or in the Golden Grove Residential D Zone; or

(D) Policy Area 4 or Policy Area 5 in the Residential Zone in the City of Charles Sturt; or

12—Variation of Schedule 7

Schedule 7, clause 2(a)(iii)—delete "\$57.50" and substitute:

\$57

13—Variation of Schedule 8

- (1) Schedule 8, clause 1(1)—after the definition of *prescribed area* insert:

wind farm means an undertaking where one or more wind turbine generators (whether or not located on the same site) are used to generate electricity that is then supplied to another person for use at another place.

- (2) Schedule 8, after item 9—insert the following items under the relevant headings (which headings appear in italics in the following table for reference purposes only):

<i>Development</i>	<i>Body</i>	<i>Period</i>	<i>Conditions</i>
9A—Windfarms			
Development that involves the establishment of a windfarm	Environment Protection Authority	Six weeks	Regard

- (3) Schedule 8, item 12—delete "section 12(d)" wherever occurring and substitute in each case:

12(1)(d)

- (4) Schedule 8, item 12A—delete "Minister for the time being administering the *Water Resources Act 1997*" and substitute:

The Chief Executive of the Department of the Minister responsible for the administration of the *Water Resources Act 1997*

- (5) Schedule 8, item 16—delete "Minister for the time being administering the *Water Resources Act 1997*" and substitute:

The Chief Executive of the Department of the Minister responsible for the administration of the *Water Resources Act 1997*

(6) Schedule 8, item 18—delete "a bushfire prone area" and substitute:
a *CFS Referral Area* in a Bushfire Prone Area

(7) Schedule 8, item 18—delete "Regard" and substitute:
Direction

14—Variation of Schedule 9

(1) Schedule 9, clause 5—delete "the applicant proposes to use the land" and substitute:
the land is to be used

(2) Schedule 9, clause 16(ab)—delete "detached"

(3) Schedule 9, clause 17—delete "changed the nature" and substitute:
change the nature

15—Variation of Schedule 10

Schedule 10, clause 16—delete clause 16

16—Variation of Schedule 18

(1) Schedule 18, clause 1—delete "Angaston (DC)"

(2) Schedule 18, clause 1—delete "Barossa (DC)" and substitute:
The Barossa Council

(3) Schedule 18, clause 1—delete "Happy Valley (City)"

(4) Schedule 18, clause 1—delete "Mount Pleasant (DC)"

(5) Schedule 18, clause 1—delete "Noarlunga (City)" and substitute:
Onkaparinga (City)

(6) Schedule 18, clause 1—delete "Tanunda (DC)"

(7) Schedule 18, clause 1—delete "Willunga (DC) (Metro)"

(8) Schedule 18, clause 2(a), (b) and (c)—delete paragraphs (a), (b) and (c) and substitute:

(a) The Barossa Council Bushfire Prone Area Map denoted as—

(i) Index to Bushfire Prone Area—FIGURE BaroBPA/1;

(ii) Stockwell Township—FIGURE BaroBPA/2;

(iii) Nuriootpa Township—FIGURE BaroBPA/3;

(iv) Moculta Township—FIGURE BaroBPA/4;

(v) Angaston Township—FIGURE BaroBPA/5;

(vi) Tanunda Township—FIGURE BaroBPA/7;

(vii) Lyndoch Township—FIGURE BaroBPA/11, BaroBPA/15;

(viii) Williamstown Township—FIGURE BaroBPA/12, BaroBPA/16;

(b) Mitcham (City) Bushfire Prone Area Map denoted as—

(i) Index to Bushfire Prone Area—FIGURE MitBPA/1;

- (ii) FIGURE MitBPA/7;
- (iii) FIGURE MitBPA/8;
- (iv) FIGURE MitBPA/9;
- (v) FIGURE MitBPA/10;
- (vi) FIGURE MitBPA/11;
- (vii) FIGURE MitBPA/12.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 4 September 2003

No 190 of 2003

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